

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

9 Ho Keung Tse,

Plaintiff,

VS.

Apple Computer, Inc. et al.,

Defendants.

CASE NO. 06-06573 SBA

PROPOSED ORDER GRANTING STIPULATION OF DISMISSAL WITH PREJUDICE BETWEEN PLAINTIFF HO KEUNG TSE AND DEFENDANT NAPSTER, INC.

Having reviewed the Stipulation of Dismissal with Prejudice Between Plaintiff Ho Keung Tse ("Tse") and Defendant Napster, Inc. ("Napster") and good cause appearing, pursuant to stipulation, all claims of Tse asserted against Napster in this action are dismissed in their entirety with prejudice, and each party will bear its own attorneys' fees and costs.

1 IT IS SO ORDERED.

Saundra Brown Armstrong United States District Judge